

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

* * *

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOHN SKOOG,

Defendant.

2:10-cr-0547-RLH-GWF

ORDER
(Motion for Release—#390)

Before the Court is Defendant Skoog's **Motion for Release Pending Sentencing** (#390, filed September 26, 2011). The United States has filed a Response in Opposition (#392).

The Court has carefully considered those documents and determines that the Motion must be denied because of Defendant's failure to meet his burden by clear and convincing evidence.

Defendant argues that he has extensive family ties in his hometown of Vasilla, Alaska and that he can reside with his younger sister. He argues that his mother is disabled and his grandmother has congestive heart failure, and, that he is the primary caregiver, notwithstanding that also living in Vasilla, Alaska, are his two sisters, three brothers and two aunts and uncles. Are they not able to provide assistance to their mother and grandmother? He also ignores the fact that he has been detained and faces the prospect of imprisonment, and any assistance he might provide would be short-lived.

He claims that he has lived in that Alaska community and never participated in any illegal activity before his arrest. Contrary to that claim is the fact that he has a Hinder Prosecution

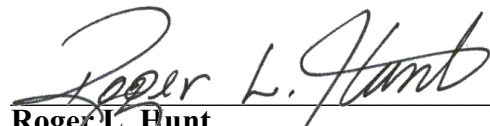
1 (2005) conviction, a conviction for Failure to Stop at Direction of an Officer (2005), and a conviction
2 for Assault and Disorderly Conduct (2007).

3 Furthermore, when he was arrested he had a loaded firearm in his car, a search of his
4 house found a bulletproof vest, and a device to detect an officer wearing a recording device. The
5 evidence to which he admitted at sentencing established that he was sent approximately \$261,000
6 dollars to the primary defendant, Mr. Ghafouria, from the sale of Oxycodone pills by Defendant
7 Skoog.

8 Title 18 U.S.C.A. §3453(a) provides that once a person has been found guilty or pled
9 guilty the burden is on the defendant to prove by clear and convincing evidence that he is both NOT a
10 danger to the community and is NOT a risk of non-appearance. Defendant Skoog has not met that
11 burden and his Motion will be denied, without the need of a hearing.

12 IT IS THEREFORE ORDERED that Defendant Skoog's **Motion for Release Pending**
13 **Sentencing** (#390) is denied.

14 Dated: October 11, 2011.

15
16 
17 **Roger L. Hunt**
18 **United States District Judge**
19
20
21
22
23
24
25
26